

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:
HECTOR MANUEL ROSARIO MONTES

XXX-XX-0442

DEBTOR (S)

CASE NO.:13-02694-ESL

CHAPTER 13

NEGATIVE

STANDING CHAPTER 13 TRUSTEE'S CERTIFICATION RELATED TO DISCHARGE
PURSUANT TO 11 USC §1328(a), (f), (g)(1), (h) AND
RULES 1007(b)(7) & (8) OF THE FRBP AND LBR 3015-2(j)

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

Section 1328(a) & LBR 3015-2(j) DSO Certification of Compliance

The debtor(s) certified to the Trustee (A) that there were NO domestic support obligations due to be paid by the debtor.

Section 1328(f) No Prior Discharge Requirement

According to the case record the debtor(s) HAS/HAVE NOT RECEIVED a discharge under Chapters 7, 11 or 12 during the 4-year period preceding this case petition date.

Instructional Course Requirement Pursuant to
Section 1328(g)(1) & FRBP Rule 1007(b)(7)

According to the case record debtor(s) HAS/HAVE NOT FILED CERTIFICATION(S) of completion of an instructional course concerning personal financial management described in 11U.S.C. §111 as required by Rule 1007(b)(7) of the FRBP.

Applicability of Section 1328(h) & FRBP Rule 1007(b)(8)

According to the case record, Debtor(s) opted to use the Puerto Rico exemptions and/or non-bankruptcy federal exemptions and the amount exempted DOES NOT EXCEED the amount of \$155,675.00.

CONCLUSION

Above described facts shows that debtor(s) has/have not comply with the required conditions to be entitled to a Chapter 13 discharge. Hence the case required without the entry of a discharge after the court approval of the Trustee's Final Report.

WHEREFORE, the Trustee hereby respectfully prays from this Honorable Court that after the Trustee's Final Report is approved an order be entered Closing the Case without the entry of debtor(s)'discharge, pursuant to 11 USC §1328(a), 11 USC §1328(h), Rule 4006 of FRBP and LBR 3015-2(j) (4).

LBR 9013-1 (c) NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

AFFIDAVIT OF MILITARY SERVICE PURSUANT TO SECTION 201(b) (1) OF THE SERVICEMEN'S CIVIL RELIEF ACT OF 2003: I hereby certify that according to information revised at the Department of Defense Manpower Data Center (DMDC) Internet Website, the Debtor(s) is (are) NOT in active duty or under call to active duty as member(s) of the army, navy, or Air Forces of the United States of America; the National Guard; the Public Health Service or the National Oceanic and Atmospheric Administration.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served on the same date it is filed to:the DEBTOR(s) and to all parties in interest by first class mail to their address of record, and also to her/his/their attorney by first class mail, if not a ECFS register user.

In San Juan, Puerto Rico this July 13, 2018.

/s/ Jose R. Carrion

JOSE R. CARRION CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan, PR 00902
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The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

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DATED: July 13, 2018

RUBEN CURBELO

OFFICE OF THE CHAPTER 13 TRUSTEE



Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-0442
 Birth Date:
 Last Name: ROSARIO MONTES
 First Name: HECTOR
 Middle Name: MANUEL
 Status As Of: Jul-12-2018
 Certificate ID: 70D7G0BBDRGK2YF

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director
 Department of Defense - Manpower Data Center
 400 Gigling Rd.
 Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. ? 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q33) via this URL: <https://scra.dmdc.osd.mil/faq.xhtml#Q33>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. ? 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC ? 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC ? 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC ? 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.